

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 17-10250-LTS
)	
DAVID UPSHAW,)	
Defendant.)	

FINAL ORDER OF FORFEITURE

SOROKIN, D.J.

WHEREAS, on August 10, 2017, a federal grand jury sitting in the District of Massachusetts returned a one-count Indictment charging David Upshaw (the “Defendant”) with being a Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. § 922(g)(1) (Count One);

WHEREAS, the Indictment also included a Firearm Forfeiture Allegation, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C § 2461(c), which provided notice that the United States intended to seek the forfeiture, upon conviction of the Defendant of the offense alleged in Count One of the Indictment, of any firearm or ammunition involved in or used in any knowing commission of the offense;

WHEREAS, the property to be forfeited included, but was not limited to, a Glock, Model 22, .40 caliber semi-automatic pistol, bearing serial number BBXF068, and various rounds of .40 caliber ammunition (collectively, the “Firearm and Ammunition”);

WHEREAS, on February 25, 2019, the Defendant pled guilty to Count One of the Indictment;

WHEREAS, on March 1, 2019, this Court issued a Preliminary Order of Forfeiture against the Firearm and Ammunition, pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C § 2461(c) and

Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure;

WHEREAS, in addition, this Court ordered the Defendant to forfeit the Firearm and Ammunition, pursuant to the terms of the Preliminary Order of Forfeiture;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties and published on the government website www.forfeiture.gov for thirty (30) consecutive calendar days, beginning on March 6, 2019 and ending on April 4, 2019; and

WHEREAS, no claims of interest in the Firearm and Ammunition have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so has expired.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.
2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Firearm and Ammunition, and are hereby forfeited to the United States of America pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C § 2461(c) and Rule 32.2(c) of the Federal Rules of Criminal Procedure.
3. All other parties having any right, title or interest in the Firearm and Ammunition are hereby held in default.
4. The United States is hereby authorized to dispose of the Firearm and Ammunition in accordance with applicable law.

5. This Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

/s/ Leo T. Sorokin
LEO T. SOROKIN
United States District Judge

Dated: May 14, 2019